



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING DISTRICT OFFICE



STEVEN E. CHESTER
DIRECTOR

October 5, 2009

CERTIFIED MAIL

SVN No. SVN-000308

Mr. John Beatty
Diamond Chrome Plating Incorporated
604 South Michigan Avenue
Howell, Michigan 48843

Dear Mr. Beatty:

SUBJECT: National Pollutant Discharge Elimination System (NPDES) Permit No. MI0058204
Designated Name: Diamond Chrome Plating Inc
Consent Decree, *MDEQ v Diamond Chrome Plating Inc*
Second Violation Notice

The Department of Environmental Quality (DEQ), Water Bureau (WB), issued a Violation Notice, VN No. VN-003856, on February 3, 2009, in response to violations of NPDES Permit No. MI0058204 and failure to implement the Pollutant Minimization Plan (PMP) for metals required in paragraph 5.4(a) of the Consent Decree, Case No. 03-1862-CE (Consent Decree). In addition, Diamond Chrome Plating, Incorporated (DCP) is in violation of the pH limitations contained in Part I.A.1. of NPDES Permit No. MI0058204, which was issued on August 16, 2007, and became effective November 1, 2007. Diamond Chrome Plating Incorporated has not maintained compliance with its NPDES permit and the Consent Decree.

On September 24, 2009, DCP notified DEQ, WB that DCP had failed to conduct quarterly sampling for the PMP under the Consent Decree in the third quarter. Further, the PMP quarterly report dated September 23, 2009, is incomplete. Failure to conduct required monitoring and submit a complete quarterly report by September 26, 2009, is a violation of the Consent Decree. On page 4, DCP's report cites drafting of other reports and limited rainfall as reasons for not completing this report. Please be aware that DCP is required to meet all of the requirements of the Consent Decree and should employ sufficient staff to prepare all submittals. In addition, we note that there were several significant rainfall events in August 2009, with at least three separate events of over 12 hours in duration that had significant quantities of rainfall.

In accordance with Part I.A.1. of NPDES Permit No. MI0058204, pH from Outfall 001A shall be limited to a minimum daily of 6.5 Standard Units (S.U.) and a maximum daily of 9.0 S.U. DCP has reported the following pH monitoring violations occurring between April and August 2009 (see Table 1).

Table 1: pH Limit Violations, April through August 2009

DATE	EFFLUENT LIMITATION	REPORTED VALUES
	Daily Minimum	Daily Minimum
4/21/09	6.5 S.U.	6.01 S.U.
5/01/09	6.5 S.U.	6.04 S.U.

5/14/09	6.5 S.U.	6.2 S.U.
5/19/09	6.5 S.U.	6.4 S.U.
5/29/09	6.5 S.U.	6.2 S.U.
6/09/09	6.5 S.U.	5.67 S.U.
6/17/09	6.5 S.U.	6.3 S.U.
6/20/09	6.5 S.U.	5.64 S.U.
6/26/09	6.5 S.U.	6.22 S.U.
7/24/09	6.5 S.U.	6.05 S.U.
8/09/09	6.5 S.U.	6.36 S.U.
8/10/09	6.5 S.U.	6.36 S.U.

The effluent limit violations identified above in Table 1 are violations of NPDES Permit No. MI0058204. Please note that in the future, monitoring results should be rounded and reported to two significant digits.

Failure to implement the PMP as identified in the Violation Notice is a continuing failure to comply. The effluent limit violations cited in the Violation Notice were primarily for total cadmium and hexavalent chromium, but included one violation for pH on October 16, 2008. There have been no violations for total cadmium and hexavalent chromium since the Violation Notice was sent. The pH effluent limit violations in Table 1 have been identified since the Violation Notice was issued.

DCP shall take immediate action to achieve and maintain compliance with the Consent Decree and the terms and conditions of NPDES Permit No. MI0058204.

Please submit a compliance plan to this office by November 6, 2009. At a minimum, the response shall include:

1. A plan to achieve, at a minimum, quarterly monitoring, source control, and submittal of complete reports under the PMP as required under the Consent Decree. If current staff levels are inadequate to implement the Consent Decree, please include a plan for obtaining additional staff or assistance. Please also include at least two sampling events in this quarter since last quarter's sample event was missed. Include a schedule for implementation if any of the items in the plan are not completed by November 6, 2009.
2. A plan to achieve consistent compliance with the pH limitation in your NPDES permit. The plan shall include a discussion of DCP's efforts to date, and a detailed description of how DCP plans to consistently attain its permit limit. The plan shall include a discussion of treatment options and an approvable schedule for implementation of the chosen option. Please obtain approval for the use of any water treatment additives as required under Part I.A.d. and Part I.A.2. of your NPDES permit.

If you have any factual information you would like to share with us regarding the violations identified in this Notice please provide them with your written response.

Compliance with the terms of this Notice does not relieve DCP of any liability, past or present from the failure to meet the conditions specified in NPDES Permit No. MI0058204 and the Consent Decree, or failure to comply with the permit or Part 31, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

The DEQ reserves its right to take all necessary and appropriate enforcement actions for all violations observed to date and any violations that occur in the future. This may include civil action seeking fines, enforcement costs and injunctive relief, and potential criminal prosecution. Under Paragraph 15.1, DCP is liable for stipulated penalties in the amounts set forth in Paragraphs 15.2

and 15.3 for failure to comply with the requirements of the Consent Decree. Failure to comply with this Second Violation Notice may result in DEQ seeking stipulated penalties.

If you have any questions regarding this Notice or if you would like to arrange a meeting to discuss it, please contact Ms. Carla Davidson at 517-335-6106.

Sincerely,

Timothy A. Benton, P.E.
Lansing District Supervisor
Field Operations Division
Water Bureau
517-335-4523

cc: Mr. Rick Rusz, DEQ, WB-Enforcement Unit
Mr. Barry Selden, DEQ, WB-Enforcement Unit
Ms. Rebecca Taylor, DEQ, RRD
Ms. Carla Davidson, DEQ, WB